

Return Date: August 24th, 2017
Time: 1:30 P.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

JOEL H. HILLELSOHN,

Debtor(s)

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Chapter 13
Case No. 16-10825 CGM

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed application of Jeffrey L. Sapir, the Chapter 13 Trustee herein, a motion will be made before the Hon. Cecelia G. Morris, United States Bankruptcy Judge, at the United States Courthouse, located at One Bowling Green, New York, New York , on the 24th day of August, 2017 at 1:30 P.M. for an order dismissing the Chapter 13 case pursuant to 11 U.S.C. § 1307 (c)(1), on the ground that there has been unreasonable delay by the debtor that is prejudicial to creditors; and §109(e) in that this debtor fails to qualify under Chapter 13 on the ground that the unsecured debt exceeds the \$394,725.00 limitation; and for such other and further relief as this Court deems just and proper. and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served on the undersigned and filed with the Court no later than three (3) days prior to the return date of this motion, and must comply with the Bankruptcy Court's electronic filing system in

accordance with General Order M-242 and Supplemental General Order M-269.

Dated: White Plains, New York
July 27th, 2017

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS 0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. 914-328-6333

TO: United States Trustee
201 Varick Street # 1006
New York, New York 10014

Joel H. Hillelsohn
600 Columbus Avenue # 4-L
New York, New York 10024

Joel Shafferman, Esq.
Shafferman & Feldman, LLP 9th Floor
New York, New York 1010

Miriam Cohen-Hillelsohn
c/o Douglas J. Pick, Esq.
Pick & Zabicki LLP
369 Lexington Avenue 12th Floor
New York, New York 10017

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 16-10825 CGM

JOEL H. HILLELSOHN,

APPLICATION

Debtor(s)

-----x
TO THE HON. CECELIA G. MORRIS, BANKRUPTCY JUDGE:

1. The debtor(s) filed the instant voluntary Chapter 13 proceeding on April 5th, 2016.
2. The debtor fails to qualify under Chapter 13 on the ground that the debtor's unsecured debt of \$481,375.15 exceeds the \$383,175.00 limitation under the parameters of Chapter 13.
3. The debtor's plan is deemed infeasible.
4. The delay created by the debtor(s) is prejudicial to creditors.

WHEREFORE, this Chapter 13 case should be dismissed pursuant to 11 U.S.C. §1307 (c)(1).

Dated: White Plains, New York
July 27th, 2017

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 16-10825 CGM

JOEL H. HILLELSOHN,

Debtor(s)

-----x

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York.

On July 27th, 2017, I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO: United States Trustee
201 Varick Street # 1006
New York, New York 10014

Joel H. Hillelsohn
600 Columbus Avenue # 4-L
New York, New York 10024

Joel Shafferman, Esq.
Shafferman & Feldman, LLP 9th Floor
New York, New York 1010

Miriam Cohen-Hillelsohn
c/o Douglas J. Pick, Esq.
Pick & Zabicki LLP
369 Lexington Avenue 12th Floor
New York, New York 10017

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
27th day of July, 2017

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 02SA8764500
Qualified in Rockland County
Term Expires: 12/31/14

